

### III. REMARKS

1. Claims 1-12 and 14-26 remain in the application. Claims 13 and 27 have been cancelled without prejudice. Claims 1, 18, and 21 have been amended.
2. Applicants respectfully submit that claims 1-26 are not anticipated by Kulberg et al. (US 5,850,612, "Kulberg") under 35 USC 102(e).

Kulberg fails to disclose or suggest

wherein the antenna is arranged to pivot about the pivot point only at an acute angle in a single plane, and

wherein the single plane is substantially perpendicular to a front surface of the radio telephone,

as recited by claims 1, 18,

Kulberg discloses an antenna module rotatably mounted on a rear wall of a communications device. The antenna rotates around a pivot axis 40 in a plane substantially parallel to the rear wall of the communications device. Kulberg also discloses a mechanism that introduces a 10-14 degree offset perpendicular to the plane as the antenna rotates through 180 degrees.

Kulberg's antenna does not pivot only at an acute angle between the two positions. As disclosed in column 3, lines 37-40, column 9, line 66, and column 10, lines 43 and 53, Kulberg's antenna is generally rotated about 180 degrees from a closed position. In other instances, the antenna may be rotated 90 degrees (column 3, line 39), 135 degrees, or 225 degrees (column 10, line 58), but never through only an acute angle.


Kulberg's antenna does not pivot through a single plane substantially perpendicular to a front surface of the radio telephone. As shown in Figures 3 and 19, for example, Kulberg's antenna rotates in a plane that starts as substantially parallel to the front of the communications device. Thus, Kulberg's antenna does not rotate in a plane substantially perpendicular to a front surface of the radio telephone. In addition, as Kulberg's antenna is offset by approximately 10-14 degree as it rotates through 180 degrees. Figure 9 shows the offset as  $\alpha$  and  $\theta_1 + \theta_2$ . Thus, because of the offset, Kulberg's antenna also fails to pivot through a single plane.

At least for these reasons, Applicants submit that Kulberg does not anticipate independent claims 1, 18, and 21, and dependent claims 2-12, 14-17, 19, 20, and 22-26.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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